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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/738,071	12/15/2000	Masahito Niikawa	15162/02890	1176

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EXAMINER

YODER III, CHRISS S

ART UNIT	PAPER NUMBER
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2612

DATE MAILED: 08/12/2004

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/738,071

Applicant(s)

NIKAWA ET AL.

Examiner

Chriss S. Yoder, III

Art Unit

2612

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-13 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claim 1, 5-8, and 13 is rejected under 35 U.S.C. 102(e) as being anticipated by Gowda et al. (US Patent # 6,628,333).
2. In regard to claim 1, note Gowda discloses the use of an image capturing apparatus (figure 2: 100) comprising a first display capable of electrically displaying a captured image (figure 3: 180), a second display capable of electrically displaying a captured image (figure 3: 182), and a controller for simultaneously causing said first display to display said captured image and said second display to display information different from said captured image (column 5, lines 1-10).
3. In regard to claim 5, note Gowda discloses that the information includes information about a setting in a shooting mode (column 6, lines 29-32; the information displayed is the information about the one of the settings for hue, brightness, contrast, or red eye).

4. In regard to claim 6, note Gowda discloses that the information includes information about said captured image having been subjected to image correction (column 6, lines 29-32; the information displayed is the information about one of the settings for hue, brightness, contrast, or red eye).
5. In regard to claim 7, note Gowda discloses that the information includes a correctable item associated with said image correction, and information about a setting of said correctable item (column 6, lines 29-32; the information displayed is the information about one of the settings for hue, brightness, contrast, or red eye removal).
6. In regard to claim 8, note Gowda discloses that the controller forces said first display to turn on when performing said image correction (column 5, lines 1-10; when the image is being processed in the second display, the first is used to view the original image).
7. In regard to claim 13, this is a method claim, corresponding to the apparatus in claim 1. Therefore, claim 13 has been analyzed and rejected as previously discussed with respect claim 1.

Claim Rejections - 35 USC § 103

8. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

9. Claims 2, 9, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of Anderson (US Patent # 6,538,698).

10. In regard to claim 2, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device fails to have the second display simultaneously display said information and said captured image. Anderson discloses the simultaneous display of information and the captured image (figure 3: 704, 706, and 708). Anderson discloses that the simultaneous display of information and the captured image is preferred in order to provide a convenient and efficient manner of browsing images to ease access to stored images (column 1, lines 64-67). Therefore, it would have been obvious to one of ordinary skill in the art to modify the Gowda device to include the use of second display simultaneously display said information and said captured image as suggested by Anderson.

11. In regard to claim 9, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device fails to disclose that the information includes additional information about said captured image. Anderson discloses the display of additional information about the captured image (figure 3: 706 and 708). Anderson teaches that the display of additional information about said captured image is preferred in order to provide a convenient and efficient manner of browsing images to ease access to stored images (column 1, lines 64-67). Therefore, it would have been obvious to one of

ordinary skill in the art to modify the Gowda device to include the display of additional information about the captured image as suggested by Anderson.

12. In regard to claim 12, note Anderson discloses that the additional information includes information recorded at the time of shooting (figure 3: the time and date).

13. Claims 3-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333).

14. In regard to claim 3, note Gowda discloses the use of a camera with two displays as claimed in claim 1. Therefore, it can be seen that the Gowda device lacks the use of a selector for selectively turning on/off display on said first and second displays. Official notice is taken that the concepts and advantages of selective powering of separate displays is notoriously well known and expected in the art. Therefore, it would have been obvious to one of ordinary skill in the art to modify the Gowda device to include the selective powering of displays in order to conserve power by only powering the displays that are needed.

15. In regard to claim 4, note Gowda discloses that at least one of said first and second displays displays an image preceding an image to be actually shot (column 6, lines 26-36; an image can be edited between photographs, therefore, an image preceding an image to be shot is displayed).

16. Claims 10 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gowda et al. (US Patent # 6,628,333) in view of Anderson (US Patent # 6,538,698), and in further view of "Digital Photography Review Kodak Pro DCS620".

17. In regard to claim 10, note the primary reference of Gowda in view of Anderson discloses the use of a camera with two displays, with additional information being displayed, which includes information about said captured image, as claimed in claim 9. Therefore, it can be seen that the primary reference fails to disclose that the additional information includes a histogram regarding exposure of said captured image. "Digital Photography Review Kodak Pro DCS620" discloses the display of a histogram regarding exposure of the captured image (page 10: Histogram). It is notoriously well known in the art to display a histogram with the image in order to check for good exposure and a good dynamic range. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to display a histogram regarding exposure of the captured image in order to allow the user to adjust the exposure as well as to help to avoid excessive shadow and highlight clipping, and posterization.

18. In regard to claim 11, note the primary reference of Gowda in view of Anderson and "Digital Photography Review Kodak Pro DCS620" discloses the use of a digital camera that displays a histogram with the image. Although the it does not explicitly state that the histogram is displayed immediately after shooting, it is implied in order to allow the photographer to instantly re-assess the image and take again if necessary. Therefore, it would have been obvious to one of ordinary skill in the art to modify the primary device to include the display of the histogram immediately after the image is taken in order to allow the user to assess the image and take the image again if needed.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US006393222B1: note the use of multiple displays, with a selection means for powering on/off the displays.

US006657658B2: note the use of displaying image properties and correction routines.

US006310648B1: note the use of a display with information other than the image being displayed with the image.

US004827347: note the use of a plurality of displays in a camera.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Chriss S. Yoder, III whose telephone number is (703) 305-0344. The examiner can normally be reached on M-F: 8 - 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wendy Garber can be reached on (703) 305-4929. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

CSY
August 5, 2204



NGOC-YEN VU
PRIMARY EXAMINER